

**United States Bankruptcy Court
Eastern District of Pennsylvania**

In re:

Clauda A. Nesmith,

Debtor.

Case No. 22-13283-AMC

Chapter 13

Debtor's Objection to Claim No. 3 by Claimant Capital One Auto Finance

AND NOW, Debtor Clauda A. Nesmith, by and through their attorney, objects to a proof of claim filed by a creditor in this case pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007, and L.B.R. 3007-1. In support of this objection, the Debtor states as follows:

1. Claimant Capital One Auto Finance filed Proof of Claim No. 3 in the secured amount of \$20,622.96 on January 24, 2023. A true and correct copy of the proof of claim is attached as Exhibit A.

2. The Claimant filed a proof of claim in the Debtor's previous bankruptcy case in the amount of \$25,805.20, and during that case the Trustee paid \$14,205.24 on that claim. Of that total amount, \$11,930.94 should have been applied to the principal amount due.

3. To account for payments previously made on this account, the Court must adjust the secured component of Claim No. 3 to \$13,874.26.

NOW, THEREFORE, the Debtor requests that this Court sustain their objection in the form of order attached and grant such other relief in their favor as may be necessary and proper under the law.

Date: August 23, 2024

CIBIK LAW, P.C.
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